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10/065,397	10/11/2002	Dante Monteverde	33983/400200	2789
27717	7590	02/22/2005	EXAMINER	
SEYFARTH SHAW 55 EAST MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			OSBORNE, LUKE R	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/065,397

Applicant(s)

MONTEVERDE, DANTE

Examiner

Luke Osborne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-9 have been presented for reconsideration in view of Applicant's arguments and amended claim language.

### ***Response to Arguments***

2. Applicant's arguments presented in the response dated 11/05/2004 have been fully considered. The Examiners response is as follows.
3. In regards to the removal of the page with the title "Figures" page 13 of Applicant's disclosure the Examiner acknowledges Applicant's argument per this matter and it will be removed upon conditions for allowance.
4. In regards to Applicant's response to the objection to the title of the instant Application the Examiner finds Applicant's arguments persuasive, and the objection is withdrawn.
5. In regards to Applicant's response to the trademark objection, the Examiner acknowledges the amendment to the Application and finds Applicant's arguments persuasive, and the objection is withdrawn.
6. In regards to Applicant's response to the U.S.C. 112 rejections the Examiner has determined the following.

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Regarding the rejection for antecedent basis concerning the limitation "the meta-tag field" in claim 8. The Examiner acknowledges the amendment to the Application and finds Applicant's arguments persuasive, and the rejection is withdrawn.

Regarding the response to Applicant's arguments for the definition of "Internet site" Applicant argued, (from page 7 of the 11/5/2004 responses)

"Internet site" is a term of art that is commonly used to describe a location accessible on the Internet via a Uniform Resource Location (URL) address.

The Examiner finds this definition acceptable and the argument persuasive, and the rejection is withdrawn.

Regarding the rejection for antecedent basis concerning the limitation "the meta-tag field" in claim 9. The Examiner acknowledges the amendment to the Application and finds Applicant's arguments persuasive, and the rejection is withdrawn.

7. Applicant's arguments regarding the U.S.C. 103(a) rejection of claims 1-9 have been fully considered but they are moot in view of the new grounds of rejection presented in this office action.

Applicant argued (from page 9 of the 11/5/2004 responses) that

Legh-Smith does not teach a method of assigning, or providing, Internet pages or sites any keyword, based upon the topical category that such Internet sites or pages have been assigned to

The Examiner asserts that Legh-Smith does in fact teach the limitations as claimed. Leg-Smith states that the URL's are cross-referenced back with the original

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description of categories and keywords [Column 5, lines 45-50]. It is the Examiners position that this "cross-referencing" **assigns** pages keywords according to their category.

The Examiner has found Applicant's arguments to be unpersuasive and upholds the rejections of Claims 1-9 based on the arguments set forth above.

### ***Claim Objections***

Applicant is advised that should claim 1 be found allowable, claims 2-3 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Per Applicant's argument on page 7, paragraph 2, lines 6-8 the limitations of "Internet page" of claim 2 and "Internet site" of claim 1 are equivalent since each is reachable by a URL. Since the limitations from claim 2 are present in claim 1, Claim 2 is improperly dependent and substantially duplicate to claim 1.

Applicant is advised that should claims 6 and 8 be found allowable, claims 7 and 9 respectively will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

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proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Per Applicant's arguments as discussed above said claims respectively contain the same limitations and are therefore substantially duplicate.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,178,419 to Jon "Legh-Smith". The rejection is reduced to a single reference since the Examiner agrees with Applicant's explanation at page 7, 2<sup>nd</sup> paragraph that an "Internet site" typically contains a plurality of pages and describes a location accessible on the Internet via a URL. The secondary reference has been removed since "Internet site" is no longer distinguishing limitation.

Referring to claim 1, Legh-Smith teaches a method of assigning keywords to Internet page as claimed. See Figures 1-4 and the corresponding portions of Legh-Smith's specification, for this disclosure. Refer specifically to Figure 3 and the corresponding portions of the disclosure for the claimed invention. In particular Legh-

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Smith teaches a method of assigning keywords to an Internet site or Internet page, comprising the steps of:

Providing a topical category database [item 300, Column 4, lines 66-67, Column 5, line 1], said topical category database contains at least one predefined topical category [... comprising headings and categories for inclusion in the database 112. (Fig 2, item 200)];

Assigning at least one keyword to said predefined topical categories [step 302, a list of keywords is generated for each of the categories for inclusion in the category list (Column 5, lines 3-5)];

Providing an Internet site and Internet page database [112], said Internet site and Internet page database contains information relative to at least one Internet site or Internet page [Fig. 4, Column 5, lines 45-48];

Assigning each said Internet page to at least one said predefined topical category [the list of URLs is cross-referenced back with the original description of categories and keywords (Column 5, lines 45-49)], thereby creating as page assigned topical category; and assigning each said Internet page [URL] at least one keyword contained within said keyword list [item 302] for said page assigned topical category.

Referring to claim 2, Legh-Smith teaches the method of claim 1, as above, "further comprising the step of assigning each said Internet page to at least one said predefined topical category [the list of URLs is cross-referenced back with the original

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description of categories and keywords (Column 5, lines 45-49)], thereby creating page assigned topical category” as claimed.

Referring to claim 3, Legh-Smith teaches the method of claim 2, as above, “further comprising the step of assigning each said Internet page [URL] at least one keyword contained within said keyword list [item 302] for said page assigned topical category” as claimed.

Referring to claim 4, Legh-Smith teaches the method of claim 1, as above, “wherein each of said predefined topical categories has a title [heading] and a brief synopsis description [associated information (Column 5, lines 5-8)]” as claimed.

Referring to claim 5, Legh-Smith teaches the method of claim 1, as above, “assigning at least one keyword to said predefined topical category [Once (keywords are) provided for each of the categories] based on relatedness [associated information] between said keyword and said predefined topical category [Column 5, line 12, Column 5, lines 5-8]” as claimed.

Referring to claim 6, Legh-Smith teaches the method of claim 2, as above, “comprising the step of adding any keywords previously assigned to said Internet site to said keyword list [Step 316] for said site assigned topical category [after steps 316, 320, report 322 contains filtered out URL’s to allow periodic checks to be carried out to ensure that good information is not being rejected]” as claimed.

Referring to claim 7, the method of Legh-Smith as applied to claim 6 above discloses the invention as claimed.



Referring to claim 8, Legh-Smith teaches the method of claim 1, as above. In particular Legh-Smith teaches assigning each said Internet site to at least one said predefined topical category, thereby creating a page assigned topical category, comprising the steps of:

reviewing any previously assigned keywords contained within the meta tag field of said Internet site [step 316, the list of URLs (which as mentioned above is arranged by keyword)];

matching said previously assigned keywords to keywords contained within said keyword list[is cross-referenced back with the original description of categories and keywords, generated in step 302];

assigning said Internet page to the predefined topical category whose keyword list contains matching keywords [to identify those URLs which are candidates for each category].

Referring to claim 9, the method of Legh-Smith as applied to claim 2, and claim 8 above discloses the invention as claimed.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Osborne whose telephone number is (571) 272-4027. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LRO



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PRIMARY EXAMINER